

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JOHN PARKE,)
)
Plaintiff,) Case No.: 3:18-cv-1005
)
)
v.)
)
SMOKER CRAFT, INC.,)
)
Defendant.)

NOTICE OF REMOVAL

Defendant Smoker Craft, Inc. ("Smoker Craft"), by counsel, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby serves notice of its removal of this action from the Elkhart Superior Court of Elkhart County, Indiana to the United States District Court for the Northern District of Indiana, South Bend Division. Removal is proper on the following grounds:

1. Plaintiff initiated this action on or about November 19, 2018 by filing a judicial complaint in the Elkhart Superior Court of Elkhart County, Indiana, captioned as *John Parke v. Smoker Craft, Inc.*, Civil Action No. 20D02-1811-CT-000260 (the "State Court Action").
2. Defendant was served with a copy of the initial Summons and Complaint on December 3, 2018, which is the first date upon which it had actual notice of the pending action.
3. Pursuant to 28 U.S.C. § 1446(a), copies of the Summons and Complaint, are attached hereto as **Exhibit A**.
4. The lawsuit is a civil action alleging violations of the Americans With Disabilities Act ("ADA"). (See Compl. ¶ 8.)

5. The federal district courts have original jurisdiction over ADA claims pursuant to 28 U.S.C. § 1331 (“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”).

6. The lawsuit is properly removed to this Court pursuant to 28 U.S.C. § 1441(a).

7. Pursuant to 28 U.S.C. § 1446(b), this notice is being filed within 30 days of service upon Defendant of Plaintiff’s State Court Action.

8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed promptly with the state court and served upon opposing counsel.

WHEREFORE, Defendant Smoker Craft hereby removes the above-described action now pending in the Elkhart Superior Court to the United States District Court for the Northern District of Indiana, South Bend Division.

Date: December 12, 2018

BARNES & THORNBURG LLP

/s/ Janilyn Brouwer Daub

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Attorneys for Defendant Smoker Craft, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. A copy of this filing was also served via first class United States Mail and electronic mail on the following counsel for Plaintiff: Christopher C. Myers (cmyers@myers-law.com) and Ilene M. Smith (ismith@myers-law.com)
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